

CLERK'S OFFICE, U.S. DISTRICT COURT
AT CHARLOTTESVILLE, VA

FILED

JUN 14 2021

U.S. District Court, W.D. Virginia

Sines v. Kessler

Case: 3:17-cv-00072

JULIA C. DUDLEY, CLERK

BY:

DEPUTY CLERK

RE 966 HEIMBACH'S TRIAL VENUE SUPPLEMENTARY BRIEF

On August, 12th, 2017, I arrived in Charlottesville with the explicit invitation of a federal court. My organization, Traditionalist Worker Party, and I spent weeks working directly with Charlottesville Police Department on a plan which sought to ensure both our safety and the general safety of others at a permitted event. As corroborated by the objective, third-party Heaphy Report, and confirmed by the comprehensive discovery process, my organization and I executed our end of the plan to the best of our ability and the Charlottesville Police Department did not.

In addition to going off plan and failing to communicate the most basic elements of our public safety plan to the officers, the Charlottesville Police Department has well-documented workplace culture and training issues that make it uniquely unsuited to protecting the safety and sanctity of this trial. "[The officers] described a culture of conformity within the [Charlottesville Police] Department that discourages officers from raising issues and providing feedback. These officers suggested that this hierarchical approach hampered the planning for the July 8 and August 12 events, as lieutenants, sergeants, and line officers were not sufficiently consulted or asked to provide input." [Independent Review of the 2017 Protest Events in Charlottesville, Virginia; Section IV - Resistance to Cooperation; A. Charlottesville Police Department]

Plaintiffs' counsel argues that the act of moving this trial from Charlottesville would be essentially futile due to the fact that people in Charlottesville who wish to physically attack the defendants could simply travel. This ignores the unusually biased nature of Charlottesville's city government and its willingness to countenance breakdowns in public order for the sake of barring those they deem unwanted from their community.

I witnessed with my own eyes numerous instances where counter-protesters used offensive violence against protesters in Charlottesville and the Charlottesville authorities did nothing to bring them to account. The message sent to me by the Charlottesville authorities is something I received loud and clear and I vow before you on this day to never again voluntarily set foot in Charlottesville, Virginia for so long as I live. If this court requires that I set foot in Charlottesville again I will, but otherwise I will not.

The presence of many defendants to this case in the city of Charlottesville would be taken as provocative by that city, its residents, and its authorities on even the best of days. But how much more intense will their feelings be during what is being promoted by the plaintiff's counsel as the "Scopes Monkey Trial of the 21st century?"

Holding this trial in Charlottesville is not in the interest of public safety and could potentially undermine faith in the justice system itself.

Dated: June 09, 2021

Respectfully Submitted,

/s/ Matthew Heimbach
Matthew W. Heimbach (*pro se*)
Defendant

Certificate of Service

I hereby certify that on June 09, 2021, I mailed a true and correct copy of this court document to the Clerk of the Court, who will provide electronic notice to all counsel of record.

**US District Court, W.D. Virginia
255 W Main St, Ste 304
Charlottesville, VA 22902-5058**

I further hereby certify that on June 09, 2021, I also served the following non-ECF participants, via mail and electronic mail, as follows:

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